

Mr. Speaker, I urge all of my colleagues to vote "no" on this closed rule and the previous question. If the previous question is defeated, the House will have the opportunity to debate this important amendment offered by Republican Ranking Member BUCK McKEON so that convicted felons will be considered ineligible to receive the Democrat interest rate reduction.

Mr. Speaker, today this debate has been very succinct and to the point. That is that we believe that for 12 years that Republicans and Democrats have worked very carefully on education issues that will help this country out, through difficult times, through difficult processes, increasing the amount of money that is available, not only for people to attend school, but also reducing the costs that were impediments in the program.

Mr. Speaker, I am disappointed that the way it is being pitched today is, well, the Republicans were just headed in a bad direction and had 12 years to do this, when in fact we have been doing this in a bipartisan way for 12 years. Today, we are going to hear it and have it the Democrats' way.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

First, I wish to thank all the Members who participated in this discussion on the importance of increasing opportunity and affordability for all of our Nation's young minds. We are all in agreement on the importance of education and the central role it played in expanding the next generation's horizons.

Mr. Speaker, as I described in my opening remarks, the resolution before the House allows for a vote on a Democratic proposal to cut subsidized student loan rates in half over the next 5 years. It will reduce the cost of college to some 5 million students by an average of \$4,400. This is good, responsible progress for America's middle class, for our working families looking out to provide the next generation with a brighter future. Today's vote on the issue can make it a reality.

Last week, as part of Speaker PELOSI's 100-hour agenda, Democrats acted swiftly to help average Americans. We voted to increase the minimum wage, expand Federal stem cell research, negotiate lower drug prices for our seniors, and implement 9/11 Commission recommendations.

All of these issues passed by wide bipartisan margins and enjoyed significant bipartisan support.

I expect that today's bill will be no different, so let's get to it.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 65 OFFERED BY MR. McKEON OF CALIFORNIA

Strike all after the resolved clause and insert the following:

That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5) to amend the Higher Education Act of 1965 to reduce interest rates for student borrowers. All points of order against the bill and against its consideration are waived except those arising under clauses 9 or 10 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) three hours of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor; (2) the amendment in section 2 of this resolution if offered by Representative McKeon of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 2. The amendment referred to in section 1 is as follows:

At the end of section 2 of the bill, add the following new subsection,

(c) INELIGIBILITY OF FELONS FOR INTEREST RATE REDUCTIONS.—Notwithstanding the amendments made by subsections (a) and (b) of this section, an individual shall not be eligible for the reduced interest rates provided under such amendments on any loan if the individual was convicted of a felony that occurred during or after a period of enrollment when the individual was receiving the loan.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress. Only political affiliation has been changed.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer a amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. MATSUI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

H. Con. Res. 31, by the yeas and nays;  
H.R. 434, by the yeas and nays;  
ordering the previous question on H. Res. 65, by the yeas and nays;  
adoption of H. Res. 65, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.